

SAN FRANCISCO
PUBLIC ADMINISTRATOR – PUBLIC GUARDIAN
ANNUAL REPORT

1978 – 1979
1979 – 1980
1981 – 1982
1982 – 1983

5/S



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The Public Administrator is, by virtue of an Ordinance of the City and County, ex-officio the Public Guardian. These are two separate functions. As Public Administrator he handles the estates or affairs of deceased persons. As Public Guardian he handles the guardianships of living persons. These two functions are different in many respects and the majority of the staff are assigned to one or the other of these functions. A part of the staff can be used in both functions, which affords some flexibility in coping with temporary staff reductions. Although some of the below remarks apply equally to both functions, for the sake of clarity each function is discussed separately.

I. PUBLIC ADMINISTRATOR

1 - 1126 Public Administrator-Public Guardian

1. Functions:


The Public Administrator is an officer of the County Government as described in Section 24000 of the Government Code and is provided for in the Charter of the City and County of San Francisco. The purpose of the office is to provide for the protection of the property of deceased persons and for the protection of the interests of heirs and creditors in such property.

The duties of the Public Administrator as both a conservator and an administrator of the estate of deceased persons is set forth in Section 1140 of the Probate Code, as follows: "The Public Administrator of each county must take immediate charge of the property within his county of persons who have died when no executor or administrator has been appointed and in consequence thereof the property, or any part thereof, is being wasted, uncared for or lost; and of all estates ordered into his hands by the Court. He shall apply for letters of administration upon estates of decedents who have no known heirs when the Superior Court of his county has jurisdiction thereof, and may apply for such letters upon any other estates upon which he is entitled to administer."

The various functions in administering decedents' estates may be broken down as follows:

Investigation: 1 - 1131 Assistant Public Administrator
1 - 4230 Estate Investigator

Field and office questioning to obtain all pertinent information concerning decedent; collection and protection of assets of decedent; preliminary determination of sufficiency of assets to pay for funeral expenses; making funeral arrangements; search of decedent's residence; identifying



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heirs, if any; summary sale of depreciating property; assembling all data necessary to complete Public Administrator's Investigation Form; custodian of tangible personal property.

Accounting: 1 - 1652 Senior Accountant (1/2 time)
 1 - 1650 Accountant
 1 - 1640 Senior Accounting Machine Operator

Collection and custody of all monies; transfer, deposit and withdrawal of funds; issuance of checks; maintenance of separate ledger for each estate; assembly and reconciliation of final accounts; review and payment of funeral claims.

Legal and Tax: 1 - 8186 Attorney for Public Administrator
 1 - 8178 Senior Attorney

All legal procedures; review of claims; opinions; litigation; estate, inheritance and income taxes; heirship determinations; correspondence.

Clerical and Stenographic:

 1 - 1460 Senior Legal Stenographer
 3 - 1458 Legal Stenographer
 1 - 1446 Senior Clerk Stenographer
 1 - 1424 Clerk Typist

Dictation, typing, completion of forms; receptionist duties, coding of correspondence; maintaining indices and other records.

2. Personnel:

There have been four different Public Administrator-Public Guardians in the past three years. This has placed a terrible burden on a staff which itself has seen a 50% turn-over. On January 1, 1975 the staff was composed of 28 persons. On August 1, 1978 the operating staff on the payroll consists of 21 permanent and one CETA. This office is authorized 24, but because of salary saving and/or attrition we are functioning at below the efficient level. The office has revenue producing capabilities over and above its past history, but if the staff is not maintained with qualified people, we will be in a "diminishing returns" situation.

Recent changes in the Probate Code (PC 1025.5) place limitations on the length of time an estate can remain open. It is unrealistic to believe this office can abide by the changes without mechanization and qualified people.

When the present Public Administrator was appointed (June 15, 1978) the Chief Attorney for the Public Administrator retired,

Proposition 13 became a reality and new budget restraints were instituted. All-in-all, the past year has been extremely trying, personnel wise.

3. Six-Year Workload Comparison:

	1974-75	1975-76	1976-77	1977-78	1978-79
Estates Investigated	1,164	939	869	754	753
New Estates Opened	394	360	322	356	366
Final Accounts Filed	192	181	211	179	106
Discharges Filed	310	388	195	195	85
Open Estates					1944
(End of Year)	2,519	2,173	2,300	1,886	14
Permanent Positions	16	15	15	14	14

4. -Year Comparison - Expenditures and Revenues:

Fiscal Year	Actual Revenue
1966-67	\$257,552
1967-68	309,723
1968-69	265,484
1969-70	219,713
1970-71	191,759
1971-72	181,500
1972-73	294,508
1973-74	228,425
1974-75	263,926
1975-76	257,962
1976-77	317,586
1977-78	276,804
1978-79	288,103

5. Problems:

Over the past few years the problems of staffing has continued to be paramount. The temporary solution has been to take the most competent workers and move them to "crisis" areas. While this has seemed a solution, it has caused a more dangerous overall condition, i.e. 4 year backlog of Summary Estates, and long delays in sales.

Solutions:

It is the opinion of this writer that a permanent solution would have to come through re-alignment of the present personnel with no budget increase and mechanization.

a. Personnel: The continued use of a Senior Attorney to file routine legal documents seems a waste of decision making talent. The present unfilled position of Senior Attorney (8178) should be replaced with a para-legal or a beginning level attorney and a clerk. Other readjustments should be made, still within the budget as approved.

b. Mechanization: The leasing of a small computer to write checks, keep accounts, with memory capabilities such as manufactured by NCR or Burroughs would solve the greater part of the present problems as related to mechanization. This machine would serve as the nerve center for the Public Administrator Estates and also the Public Guardian wards and would pay for itself in new guardianship fees. Arthur Andersen and Co., after a recent survey, concurred in this recommendation.

6. Goal:

The ideal situation would be to process and complete Summary Estates in nine months and regular estates in one year. The former is possible, but the latter is unlikely due to the "nature of the beast".

II. PUBLIC GUARDIAN

1. Functions:

The office of Public Guardian was created in San Francisco County on July 1, 1960, under authority of Section 5175 of the Welfare and Institutions Code of the State of California. On July 1, 1960, the Public Administrator became ex-officio Public Guardian. The purpose of the office is to provide a public officer to serve, when needed, as guardian of the person and/or estate.

The Public Guardian, like any other guardian appointed by the Court, has the care and custody of the person of his ward and the management of his estate until legally discharged, or in case of the guardianship of a minor, until the minor reaches the age of majority, or the ward marries at 18 or over. The guardian must pay the ward's just debts as far as the estate is able, if necessary, selling the ward's real property or borrowing on it. He must demand, sue for and collect all debts due the ward. He must appear for and represent the ward in all actions or proceedings. He must manage the ward's estate frugally and without waste and apply the income as far as necessary to the convenience, suitable support, maintenance, and age of the ward.

He must file an inventory of all the estate's assets, together with an appraisal of the assets, unless the estate consists of money only, or money and other personal property of a market value of less than \$50.00. He must file periodic accounts for approval by the Court. Upon the death of the ward, if no probate of the estate is necessary, the funeral and last illness expenses may be paid, and after such payment of these expenses and of the fees of the Public Guardian, a balance of cash remains in the estate, this may be delivered to the heirs at law under Section 630 of the Probate Code, or delivered to the Public Administrator for administration.

The various functions of the Public Guardian may be broken down as follows:

Investigative: 1 - 1131 Assistant Public Guardian
 1 - 4230 Estate Investigator

Receives original reports or referrals of possible clients. Investigates the background of all referrals to determine if they are in need of guardianship or conservatorship. Attempts to determine if the need is for help with their financial matters, physical needs or both. Attempts to locate the client's assets, verify liabilities and locate relatives.

Accounting: 1 - 1652 Senior Accountant (1/2 time)
 1 - 1650 Accountant
 1 - 1640 Senior Accounting Machine Operator



Acts as an Accountant for the client. Collects and deposits funds, pays bills and generally manages the estate of the clients.

Clerical: 1 - 1458 Legal Stenographer
 1 - 1426 Senior Clerk Typist
 1 - 1424 Clerk Typist

Form the support for the investigative and legal staff. Handles daily mail, telephone calls, filing and other office functions.

Legal: 1 - 8178 Senior Attorney Civil & Criminal

Acts for the Public Guardian in all legal matters. Acts as quasi legal consul for all clients (365-400 approx.) in protecting their funds, property and personal rights.

Social Services: 1 - 2910 Social Worker
 1 - 9998 Special Projects (CETA)

Acts for the clients in personal matters. Buys needed articles such as clothing, soap, etc. Arranges for medical services, inspects nursing homes, arranges commitments, transfers and selects environment best suited for clients. Generally acts for the client in personal matters.

2. Staffing:

The Public Guardian program has generally suffered from the same problems as the Public Administrator. Besides having four Public Guardians in three years, the Assistant Public Guardian since the inception of the program retired in June, 1978. The Estate Investigator is "acting" in his position which leaves the investigative slot unfilled. In August of 1978 we were fortunate enough to have a CETA worker assigned to the social services section which has allowed inspection of living sites which has been neglected in the past.

3. Statutory Change:

Legislation became effective on July 1, 1977, which provides new procedural safeguards for wards. A court appointed investigator will review accounts, interview wards and submit reports to the Court. Completely new forms and procedures are mandated. This has increased the burden on the staff to comply with the new requirements but it is expected that this will be a temporary, transitional burden.

4. Five-Year Workload Comparison:

	<u>1974-75</u> <u>Actual</u>	<u>1975-76</u> <u>Actual</u>	<u>1976-77</u> <u>Actual</u>	<u>1977-78</u> <u>Actual</u>	<u>1978-79</u>
Applications Investigated	1,351	994	1,068	1,068	1004
Total Wards as of June 30	409	376	360	360	393
New Wards during Year	71	30	47	47	73
Guardianships Terminated	86	63	63	63	40
Revenues from Fees	\$94,130	\$91,575	\$111,230	\$111,374	\$54,876

5. Problems:

The problems of the Public Guardian virtually mirrors the Public Administrators section in that the functions have changed with the need of the community, but the personnel alignment and equipment has gone unchanged for ten years.

Solutions:

It is the opinion of this writer that a permanent solution would have to come through re-alignment of the present personnel with no budget increase and mechanization.

a. Personnel: The continued use of a Senior Attorney to file routine legal documents seems a waste of decision making talent. The present unfilled position of Senior Attorney (8178) could be replaced with a para-legal or a beginning level attorney and a clerk. Other readjustments should be made, still within the budget as approved.

b. Mechanization: The leasing of a small computer to write checks, keep accounts, with memory capabilities such as manufactured by NCR or Burroughs would solve the greater part of the present problems as related to mechanization. This machine would serve as the nerve center for the Public Administrator Estates and also the Public Guardian wards and would pay for itself in new guardianship fees. Arthur Andersen and Co., after a recent survey, concurred in this recommendation.

6. Goals:

The Public Guardian office seems at first glance to have few guidelines and no delineated areas of responsibility as far as what clients we serve and to what extent. This is merely reflective of the rest of the guardianship-conservatorship community.

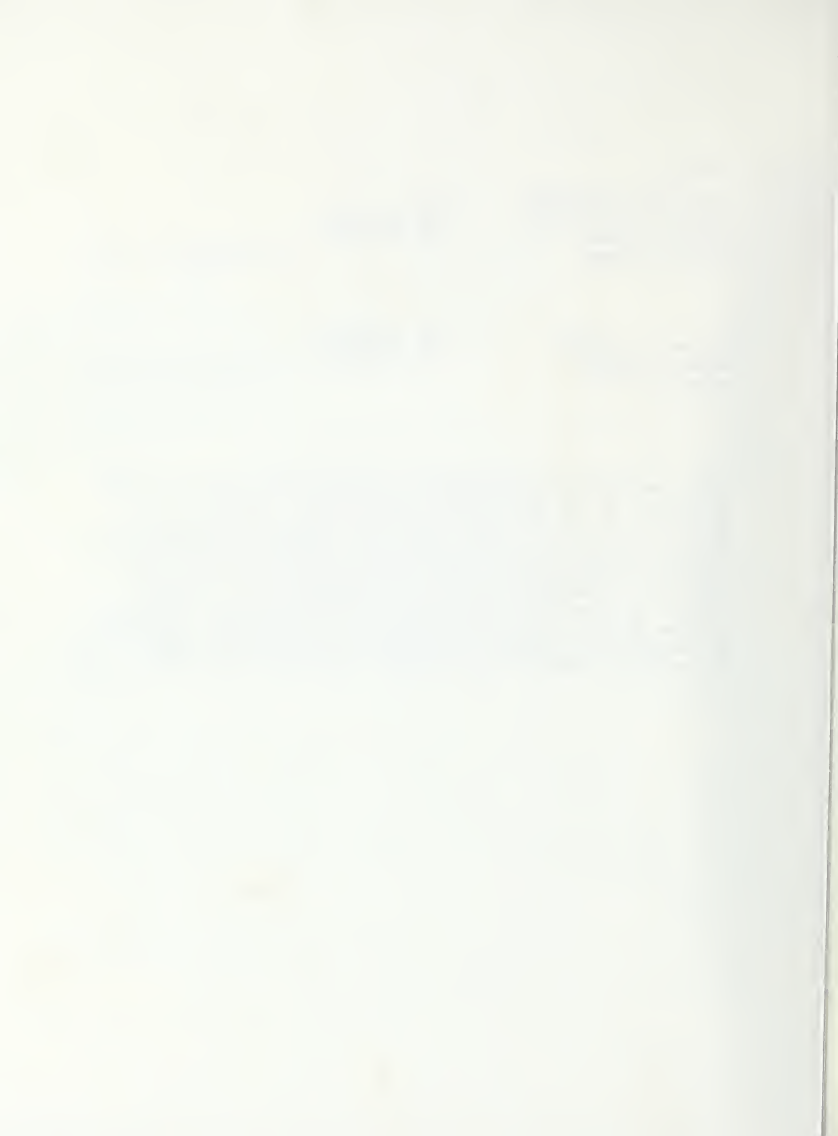
The Public Guardian has the somewhat unique ability to charge

1978-79

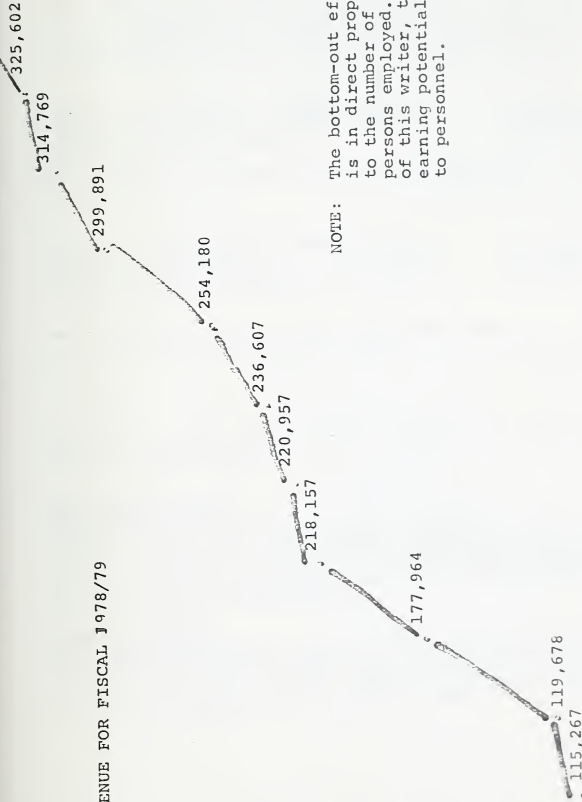
Authorized Positions	25	
Needed funds (25 pos)	438 thousand	
Budgeted funds	358 thousand	
Salary Savings		80 thousand or 18%

Estimated Revenue	404 thousand	
Actual revenue	342 thousand	
Revenue deficit		62 thousand or 15%

NOTE: An Emergency Supplemental was initiated by this office in Oct of 78 but didnot reach the Board of Supervisors until April of '79. By the time the funds became available the fiscal year was at an end. This will present an incongruous fiscal picture as the entire salary fund was not used up although this bureau was short up to six positions. By the time the supplemental funds were available, the 1979/80 budget had been set and based on 78/79 figures it (79/80) was far short of what was needed to pay the staff. Therefore if we had hired people at the end of the 1978/79 budget we would have had to lay them off midway thru the 1979/80 year.



REVENUE FOR FISCAL 1978/79



NOTE: The bottom-out effect seen midyear is in direct proportion and relation to the number of qualified, trained persons employed. In the opinion of this writer, this office's earning potential is directly linked to personnel.

\$51,089

Jul Aug Sept Oct Nov Dec Jan Feb Mar Apr May Jun

CASH DEPOSITS

Over the past year this office has taken a more aggressive posture in regards to fiscal management of estate and ward's funds. We have monies from passbook accounts (5 $\frac{1}{2}$ -5 $\frac{1}{2}$ %) , grouped the funds into "jumbo CD's" at an average of 10%.

Monies now invested in short term CD's	\$2,459,894.
Average interest 10% yearly return..	\$245,000
Average passbook return	\$123,000

Net increase to clients thru increased interest.....\$122,000

Monies now invested in Treasury Bills	\$680,000
Average 9% interest.....	\$62,000
Average passbook interest.....	\$34,950

Net increase to clients thru increased interest.....\$27,050.

Over the next two years we hope to double the amount of funds in time deposits.

REAL ESTATE SALES

This office has sold 15 pieces of property in SF and several pieces thruout the state. We have also sold property in other states including 160 acres in Missouri. The estates which were local were sold for over 1 million in cash which was re-invested prior to distribution.

Investing Funds

This office although a county function, is answerable to the Superior Court and dependant on the court for awarding fees. The monies we hold in trust cannot be co-mingled with city funds and must be invested in a "prudent manner".

(1979 - 1980)

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Clerical and Stenographic:

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 3 - 1458 Legal Stenographer
 1 - 1446 Senior Clerk Stenographer
 1 - 1424 Clerk Typist

Dictation, typing, completion of forms; receptionist duties, coding of correspondence; maintaining indices and other records.

2. Personnel:

This office does not collect monies for the sale of any product, but depends entirely on fees for services which are allowed or dis-allowed by the Probate Court. So, we are in effect, working within the "free market" system of the private sector. Our resource is the expertise of our personnel which seems to be the last thing we are protecting.

There have been four Public Administrator-Public Guardians in the past four years and a fifty percent turnover in staff. In January 1975, there were 28 persons on the staff, each with a specific function. In January 1980, there were 25 positions allowed on the budget, and with a salary savings requirement of \$50,000, we are functioning at the 21 level which effectively means 19 people due to delays in requisitions and Civil Service. This is false economy.

Under a recent amendment to the Probate Code (P.C. 1025.5) limitations have been placed on the length of time a probate may remain open. Under the present staffing this could mean a devastating loss of revenue.

Delays in replacing key personnel during 1979-80 has cost far more in lost and delayed revenue than the salaries which were saved.

3. Workload:

Estates Investigated	718
New Estates Opened	335
Final Accounts Filed	98
Discharges Filed	25
Open Estates	1797

4. Year Comparison - Expenditures and Revenues:

<u>Fiscal Year</u>	<u>Actual Revenue</u>
1966-67	\$257,552
1967-68	309,723
1968-69	265,484
1969-70	219,713
1970-71	191,759
1971-72	181,500
1972-73	294,508
1973-74	228,425
1974-75	263,926
1975-76	257,962
1976-77	317,586
1977-78	276,804
1978-79	288,103
1979-80	268,225

5. Problems and Solutions:

This office has attempted to replace our antiquated "mechanical accounting" machine for the past four years, but due to a budgetary restraint have been unable to do so. After extensive negotiations we have reached an agreement with Redwood Bank, in which we will deposit all trust accounts in their bank and they will supply the following:

A computer with two terminals placed in our office.

A printer plus a computerized typewriter placed in our office.

A computer program written for this office plus all necessary software.

Twice a day messenger service to and from the bank.

Full interest on all deposits from the date of deposit on passbook, "Jumbo" C. D.'s and Treasury bills.

Full collateralized guarantees over the \$100,000 FDIC limit on individual accounts.

A training program plus on-going backup for operating personnel.

Monthly third party reconciliation accounting of all demand accounts.

All printing costs.

These supplies and services will amount to \$50,000 in savings to the City and County in the first year alone.

Benefit to the Trusts:

Under the old system, twelve different banks were used for savings and demand accounts and no investment accounts were used. In order to draw interest on trust monies it was necessary to deposit it in the demand account, draw a check and deposit the check in another bank - all the while posting each movement to the magnetic account cards.

With the new centralized banking and the in-house computer, the pre-determined levels will be maintained in the demand and invested accounts with bi-monthly computerized automatic transfers.

6. Goal:

To provide probate service to residents who die intestate, have no relatives to act or function as successor administrator when directed by the Superior Court.

The probate process should proceed without undue delays, assure the reduction of assets to cash or distributed in kind and pay just debts. This function should generate discretionary fees which when awarded by the Superior Court, defray the cost of operating the program.

II. PUBLIC GUARDIAN

1. Functions:

The office of Public Guardian was created in San Francisco County on July 1, 1960, under authority of Section 5175 of the Welfare and Institutions Code of the State of California. On July 1, 1960, the Public Administrator became ex-officio Public Guardian. The purpose of the office is to provide a public officer to serve, when needed, as guardian of the person and/or estate.

The Public Guardian, like any other guardian appointed by the Court, has the care and custody of the person of his ward and the management of his estate until legally discharged. The guardian must pay the ward's just debts as far as the estate is able, if necessary, selling the ward's real property or borrowing on it. He must demand, sue for and collect all debts due the ward. He must appear for and represent the ward in all actions or proceedings. He must manage the ward's estate frugally and without waste and apply the income as far as necessary to the convenience, suitable support, maintenance, and age of the ward.

He must file an inventory of all the estate's assets, together with an appraisal of the assets, unless the estate consists of money only, or money and other personal property of a market value of less than \$50.00. He must file periodic accounts for approval by the Court. Upon death of the ward, if no probate of the estate is necessary, the funeral and last illness expenses may be paid, and after such payment of these expenses and of the fees of the Public Guardian, a balance of cash remains in the estate, this may be delivered to the heirs at law under Section 630 of the Probate Code, or delivered to the Public Administrator for administration.

The various functions of the Public Guardian may be broken down as follows:

Investigative: 1 - 1131 Assistant Public Guardian
 1 - 4230 Estate Investigator

Receives original reports or referrals of possible clients. Investigates the background of all referrals to determine if they are in need of guardianship or conservatorship. Attempts to determine if the need is for help with their financial matters, physical needs or both. Attempts to locate the client's assets, verify liabilities and locate relatives.

Accounting: 1 - 1654 Principle Accountant (1/2 time)
 1 - 1650 Accountant
 1 - Senior Accounting Machine Operator

Acts as an Accountant for the client. Collects and deposits funds, pays bills and generally manages the estate of the clients.

Clerical:

1 - 1458 Legal Stenographer
1 - 1426 Senior Clerk Typist
1 - 1424 Clerk Typist

Form the support for the investigative and legal staff. Handles daily mail, telephone calls, filing and other office functions.

Legal:

1 - 8178 Senior Attorney,
Civil and Criminal

Acts for the Public Guardian in all legal matters. Acts as quasi legal consul for all clients (365-400 approximately) in protecting their funds, property, and personal rights.

Social Services: 1 - 2910 Social Worker

Acts for the clients in personal matters. Buys needed articles such as clothing, soap, etc. Arranges for medical services, inspects nursing homes, arranges commitments, transfers and selects environment best suited for clients. Generally acts for the client in personal matters.

2. Staffing:

The Public Guardian program has suffered from the same problems as the Public Administrator.

3. Statutory Change:

Legislation became effective on July 1, 1977, which provides new procedural safeguards for wards. A court appointed investigator will review accounts, interview wards and submit reports to the Court. Completely new forms and procedures were mandated. This has increased the burden on the staff to comply with those requirements.

Now an entirely new set of conservatorship laws take effect in January 1981. The legislature has eliminated guardianships entirely and substituted conservatorships, which would indicate that the "spirit" of the change was to lessen the authority of the guardian and advance "patients rights".

4. Five-Year Workload Comparison:

	<u>1974-75</u>	<u>1975-76</u>	<u>1976-77</u>	<u>1977-78</u>	<u>1978-79</u>	<u>1979-80</u>
	<u>ACTUAL</u>	<u>ACTUAL</u>	<u>ACTUAL</u>	<u>ACTUAL</u>	<u>ACTUAL</u>	<u>ACTUAL</u>
Phone In- quiries & Investiga- tions	1,351	994	1,068	1,068	1,004	992
Total Wards as of June 30	409	376	360	360	393	357
New Wards during Year	71	30	47	47	73	45
Guardianships Terminated	86	63	63	63	40	86
Revenues from Fees	\$94,130	\$91,575	\$111,230	\$111,374	\$54,876	\$227,275

5. PROBLEMS:

The office of Public Guardian was established in 1960 with a very explicit program. The lead paragraph in the Recorder for September 23, 1960 reads as follows: "With judicial certification of Public Administrator Con S. Shea as Public Guardian, San Francisco, yesterday, put in motion legal machinery to collect old age benefits for the city's incompetent persons at Laguna Honda Home and San Francisco General Hospital."

Over the past twenty years (20), the staff has been decimated, the budget cut while the program now includes Developmentally Disabled, Psychotics, and substance abusers in 90 different institutions in 20 counties and four different states.

This is the only county in the state that does not operate its own Conservatorship Program for involuntary commitments, but "opts" to return the money to the state to operate it. The state then operates the L P S Program through the State Department of Mental Health at 3330 Geary Blvd, which then only delivers half a program by refusing to act as the conservator of the estate. This then impacts on the county as the Public Guardian then becomes the dumping ground for unwated LPS Conservatees. The Public Guardian has one Social Worker for 350-400 wards and it is next to criminal to continue to force clients onto the program who have had psychiatric episodes when the state recommends a 37 to 1, Social Worker to client ratio.

The Department of Social Services has cut back on services by limiting access to their "payee program". This places further demands on the limited staff of the Public Guardian and it would be courting disaster and doing a disservice to the clients to allow other agencies to transfer its unwanted programs to this office. At present, the Public Guardian is responsible for \$5 million dollars in cash in 350 separate accounts, sells nearly \$1 million dollars in real property each year, and is responsible for verifying and paying \$500,000.00 in bills each month. This is accomplished with one (1) half-time Principal Accountant, one (1) Accountant and one (1) Machine Operator. This is the smallest staff/dollar ratio in the state.

POSSIBLE SOLUTIONS:

- A. A policy should be set and followed which establishes the areas of jurisdiction for each agency involved in Conservatorships. Monies now being spent should be re-allocated along these lines. The City and County of San Francisco should run their own LPS program in order to centralize authority and responsibility and eliminate this obvious conflict of interest.
- B. In order to fully utilize the advances made in accounting and data retrieval, this bureau has negotiated with Redwood Bank to transfer their deposits to that bank in return for the following:

A two terminal computer system installed on our premises.

A complete computer system specifically written for this office.

A twice-a-day messenger service.

A free full-service checking account.

A third-party account reconciliation service on a monthly basis.

The present equipment is over 10 years old and is a constant threat to breakdown. We have been unable to get the needed funds through the normal budget process. The above services provided by Redwood Bank will cost approximately \$50,000.00 and be given to the City absolutely free.

6. GOALS:

To provide Guardianships or Conservatorships (beginning January 1, 1981) to those adults who fall within the guidelines of the program. This service should protect the assets, provide cash to pay current bills, and to protect the client from designing persons.



Assigned to P.A.

- 1/2-8186
- 2-8178
- 1/2-1460
- 3-1458
- 1-1426
- 1/2-1424
- 1-1650
- 1/2-1654
- 1-1640
- 1-1131
- 1-4230

(1) Public Administrator/Guardian-1126

Legal
Clerical

Administrative

Fiscal

Assigned to P.A.

- 1/2-8186
- 1-8178
- 1/2-1460
- 1-1131
- 1-4230
- 1/2-1654
- 1-1640
- 1-1650
- 1-1458
- 1-1444
- 1-1446
- 1/2-1424
- 1-2910

8186

(1) Attny For P.A. / P.F.
Civil + Criminal

8178

(2) Senior Attny Steno

1460

(1) Senior Legal Steno
1458-(4) Legal Steno
1444 (1) Clerk Steno
1446 (1) Sn Clerk Steno
1426 (1) Sn Clerk typist
1412 (1) Clerk typist

1131- Assistant

P.A. / P.F.

(2)

11230 P.F. 1

1659 Principal / Accountant
1650 Sn Acctg Machine Operator
1650 Accountant (2)

11230 P.F. 1

SF
P60
#2
1981-82
C.2

CITY AND COUNTY OF SAN FRANCISCO

PUBLIC ADMINISTRATOR - PUBLIC GUARDIAN

A N N U A L R E P O R T

1981-82

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PUBLIC ADMINISTRATOR -
PUBLIC GUARDIAN

OFFICE OF PUBLIC ADMINISTRATOR - PUBLIC GUARDIAN

(1981 - 1982)

The Public Administrator is, by virtue of an Ordinance of the City and County, ex-officio the Public Guardian. These are two separate functions. As Public Administrator he handles the estates or affairs of deceased persons. As Public Guardian he handles the conservatorships of living persons. These two functions are different in many respects and the majority of the staff are assigned to one or the other of these functions. A part of the staff can be used in both functions, which affords some flexibility. Although some of the below remarks apply equally to both functions, for the sake of clarity each function is discussed separately.

1. PUBLIC ADMINISTRATOR

1- 1126 Public Administrator-Public Guardian

1. Functions:

The Public Administrator is an officer of the County Government as described in Section 24000 of the Government Code and is provided for in the Charter of the City and County of San Francisco. The purpose of the office is to provide for the protection of the property of deceased persons and for the protection of the interests of heirs and creditors in such property.

The duties of the Public Administrator as both a conservator and an administrator of the estate of deceased persons is set forth in Section 1140 of the Probate Code, as follows: "The Public Administrator of each county must take immediate charge of the property within his county of persons who have died when no executor or administrator has been appointed and in consequence thereof the property, or any part thereof, is being wasted, uncared for or lost; and of all estates ordered into his hands by the Court. He shall apply for letters of administration upon estates of decedents who have no known heirs when the Superior Court of his county has jurisdiction thereof, and may apply for such letters upon any other estates upon which he is entitled to administer."

The various functions in administering decedents' estates may be broken down as follows:

Investigation: 1 - 1131 Assistant Public Administrator
1 - 4230 Estate Investigator

Field and office questioning to obtain all pertinent information concerning decedent; collection and protection

of assets of decedent; preliminary determination of sufficiency of assets to pay for funeral expenses; making funeral arrangements; search of decedent's residence; identifying heirs, if any; summary sale of depreciating property; assembling all data necessary to complete Public Administrator's Investigation Form; custodian of tangible personal property.

Accounting: 1 - 1654 Principal Accountant (1/2 time)
 1 - 1650 Accountant
 1 - 1640 Senior Accounting Machine Operator

Collection and custody of all monies; transfer, deposit and withdrawal of funds; issuance of checks; maintenance of separate ledger for each estate; assembly and reconciliation of final accounts; review and payment of funeral claims.

Legal and tax: 1 - 8186 Attorney for Public Administrator
 2 - 8178 Senior Attorney

All legal procedures; review of claims; opinions; litigation; estate, inheritance and income taxes; heirship determinations; correspondence.

Clerical and Stenographic:

1 - 1460 Senior Legal Stenographer
3 - 1458 Legal Stenographer
1 - 1446 Senior Clerk Stenographer
1 - 1424 Clerk Typist

Dictation, typing, completion of forms; receptionist duties, coding of correspondence; maintaining indices and other records.

2. Personnel:

This office does not collect monies for the sale of any product, but depends entirely on fees for services which are allowed or dis-allowed by the Probate Court. So, we are in effect, working within the "free market" system of the private sector. Our resource is the expertise of our personnel.

3. Workload:

Estates Investigated	610
New Estates Opened	264
Final Accounts Filed	119
Discharges Filed	106
Open Estates	Approx 1400

4. Year Comparison Revenues:

<u>Fiscal Year</u>	<u>Actual Revenue</u>
1966-67	\$257,552
1967-68	309,723
1968-69	265,484
1969-70	219,713
1970-71	191,759
1971-72	181,500
1972-73	294,508
1973-74	228,425
1974-75	263,926
1975-76	257,962
1976-77	317,586
1977-78	276,804
1978-79	288,103
1979-80	268,225
1980-81	375,352
1981-82	430,615

Gross Cost of Operation
\$463,717

Minus Fee's Collected
-430,615

Net Cost to County
\$33,102

Goal:

To provide probate service to residents who die intestate, have no relatives to act or function as successor administrator when directed by the Superior Court.

The probate process should proceed without undue delays, assure the reduction of assets to cash or distributed in kind and pay just debts. This function should generate discretionary fees which when awarded by the Superior Court, defray the cost of operating the program.

Comment:

A period of readjustment, redefining roles and areas of responsibility over the past two years, has resulted in considerable personnel changes. There has been a period of training new people, and retraining older employee's, which now seem to be over. The success of this transition can best be expressed by the fact that the Public Administrator Section closed 454 estates during the past year. This is all the more remarkable when you consider the fact that many of these estates have been open for between five (5) and ten (10) years. The revenue and productivity per staff person ratio is unequalled within the State of California.

Revenue: \$430,615 Estates Probated and Closed: 454
Both figures represent records for this section.

The San Francisco Public Administrator and the L.A.-P.A. co-sponsored legislation which was enacted in 1982 which will shortened the average time required to close the bulk of our estates. Over and above the lessening of requirement for processing these estates which are under \$3000 the unclaimed residue will now escheat to the general fund of the counties rather than the State Treasury.

II. PUBLIC GUARDIAN

1. Functions:

The office of Public Guardian was created in San Francisco County on July 1, 1960, under authority of Section 5175 of the Welfare and Institutions Code of the State of California. On July 1, 1960, the Public Administrator became ex-officio Public Guardian. The purpose of the office is to provide a public officer to serve, when needed, as guardian of the person and/or estate.

The Public Guardian, like any other guardian appointed by the Court, has the care and custody of the person of his ward and the management of his estate until legally discharged. The guardian must pay the ward's just debts as far as the estate is able, if necessary, selling the ward's real property or borrowing on it. He must demand, sue for and collect all debts due the ward. He must appear for and represent the ward in all actions or proceedings. He must manage the ward's estate frugally and without waste and apply the income as far as necessary to the convenience, suitable support, maintenance, and age of the ward.

He must file an inventory of all the estate's assets, together with an appraisal of the assets, unless the estate consists of money only, or money and other personal property of a market value of less than \$ 50.00. He must file periodic accounts for approval by the Court. Upon death of the ward, if no probate of the estate is necessary, the funeral and last illness expenses may be paid, and after such payment of these expenses and of the fees of the Public Guardian, a balance of cash remains in the estate, this may be delivered to the heirs at law under Section 630 of the Probate Code, or delivered to the Public Administrator for administration.

The various functions of the Public Guardian may be broken down as follows:

Investigative: 1 - 1131 Assistant Public Guardian
2 - 4230 Estate Investigator

Receives original reports or referrals of possible clients. Investigates the background of all referrals to determine if they are in need of guardianship or conservatorship. Attempts to determine if the need is for help with their financial matters, physical needs or both. Attempts to locate the client's assets, verify liabilities and locate relatives.

Accounting: 1 - 1654 Principle Accountant (1/2 time)
2 - 1650 Accountant
1 - Senior Accounting Machine Operator

Acts as an Accountant for the client. Collects and deposits funds, pays bills and generally manages the estate of the clients.

Clerical: 1 - 1458 Legal Stenographer
 1 - 1426 Senior Clerk Typist
 1 - 1424 Clerk Typist

Form the support for the investigative and legal staff. Handles daily mail, telephone calls, filing and other office functions.

Legal: 1 - 8178 Senior Attorney,
 Civil and Criminal

Acts for the Public Guardian in all legal matters.
Acts as quasi legal consul for all clients (365-400
Approximately) in protecting their funds, property,
and personal rights.

Social Services: 3 - 2910 Social Worker

Acts for the clients in personal matters. Buys needed articles such as clothing, soap, etc. Arranges for medical services, inspects nursing homes, arranges commitments, transfers and selects environment best suited for clients. Generally acts for the client in personal matters.

2. Staffing: Two Social Workers, one Estate Investigator and one Accountant were added to the P. G. staff in June 1982.
3. One Social Worker and one Accountant will be assigned to the new F.R.A.I.L. program and one Social Worker and the investigator will work with the probate conservatees.
4. New Program: The Public Guardian's Office will establish a new program oriented to the sector of the San Francisco Community 60 and over, that needs assistance with money management.

This program, F.R.A.I.L. (Financial Resources Assisting Independent Living) will:

1. Collect Client's recurring checks, such as O.A.S., S.S.I., V.A., Railroad Retirement, etc.
2. Direct monthly bills for rent and utilities to this program (F.R.A.I.L.)
3. Pay these bills with client's funds.
4. Divide balance of monthly income in equal bi-weekly checks for client's other personal needs. The client may have a maximum of 8 checks per month.
5. Deliver the personal needs check (P.N.C.) to the agency that made the referral and that is involved with services to the client, or deliver the checks by mail directly to the client.

6. Place client's money in interest bearing checking account. The interest will remain in an Emergency Reserve Status.
7. Complete the portion of the S.S.I. Annual Eligibility Redetermination that relates to the checking account for which we are trustee. The agency case manager or social worker must assist the client with completing the sections of the form that relate to any assets not under the F.R.A.I.L. program control.

5. New Program

The economic opportunity council has provided the San Francisco Public Guardian's Office with three senior Aids who function primarily as outreach workers. Each senior Aid works twenty hours per week and has the following duties:

- 1). Friendly visiting to Public Guardian Conservatees residing in San Francisco and close neighboring counties (goal: 3 contacts per year).
- 2). Observing living situations of such conservatees and reporting such observations to Public Guardian social work staff (with written notation in Public Guardian files - social work section).
- 3). Providing escort services to Public Guardian Conservatees for medical, dental, psychiatric care, as well as shopping and recreational expeditions.
- 4). Assisting conservatees in writing letters, contacting relatives and friends.
- 5). Providing general socialization for Public Guardian conservatees who are confined to their homes.

Public Guardian is also enjoying the service of two temporary EOC Senior Aids whose position are funded through December 31, 1982. These workers perform the same duties delineated above.

6. NEW PROGRAM

On May 28, 1982, the Public Guardian and Community Mental Health Services signed a memorandum of understanding in an attempt to bring more service to the people of San Francisco at no extra cost. This is a pilot program searching for ways to greater utilize the available services and improve communications between programs.

This program will be reviewed periodically and conformed to fit the needs of the community.

The following are the impressions of the CMHS social worker assigned to the Public Guardian after three months on the job.

1. ACTIVE CASE MANAGEMENT - Clients under probate conservatorship and mentally disabled who are not linked with any on-going

mental health services, such as: OMHSS, CMHS. My function is to assess the client's mental health needs, refer to the appropriate mental health program and actively encourage a treatment relationship.

2. MONITOR CASES - Clients with a mental health disability on probate conservatorship not connected with a CMHS program but are institutionalized or stabilized within the community and do not require active case management - these cases are "open-inactive" and could at any time become active if circumstances change.
3. LIAISON/ADVOCACY CASES - Clients on probate conservatorship linked and actively case managed by a treatment team or social worker in a mental health program - these cases are open but only require my services as a facilitator, advocate, liaison or resource coordinator between the Public Guardian's office and the actively involved mental health program.

FUNCTIONING

1. The Public Guardian's staff has been increased by the addition of a social worker and investigator. This has enabled them to devote more personal attention to their clients, thus reducing the need for my services as active case manager, except for crisis intervention and resource coordinating for mental health oriented problems.
2. The actual number of cases requiring active case management due to behavior problems is less than anticipated - perhaps 10 total. However, these clients do require a great deal of time, energy and attention when services are given.
3. In observing my role as conference coordinator, identifier and clarifier of systems gaps, misconceptions and miscommunications, and liaison between various agencies and the Public Guardian's office, I have found that these responsibilities occupy the greater part of my time. I view this as a pivotal area of concern and see it as having the greatest impact on the system.

Since May, I have been actively involved with approximately 10 cases. Two of these cases were included in the active case management category and were linked to the NECMHS system. The other 8 cases indirectly involved my services as agency advocate/liaison as previously described.

7. GOAL, PRODUCTIVITY, EFFICIENCY, ETC.

Public Administrator:

During 1981/82 we opened 264 estates Summary and Regular;

At the same time we closed 454 estates which amounts to about two every working day.

The employee to productivity ratio is unequalled in any other county that I am aware of.

The Advalorem costs (\$33,102) were 8% of the total costs (\$430,615) of the program, also unequalled in the State of California.

Public Guardian:

We are visiting more clients than ever (see #7 above).

344 Court Accountings were prepared, submitted and approved with an average census of 320 wards.

We attempted to maintain advalorem support at no more than 25% but ended the year at 38%. This is a result of legislative changes, increase in staff and program assignment changes dictated by budget requirements.

A goal of 50% of the clients funds invested in secure, prudent high yield accounts was given and we were able to keep 91% of their funds invested. This enables elderly clients with limited assets to enjoy greater purchasing power.

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CITY AND COUNTY OF SAN FRANCISCO
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

ANNUAL REPORT
FY 1982/1983



DOCUMENTS DEPT.

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JAMES F. SCANNELL
Public Administrator
Public Guardian

OFFICE OF PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN
FY 1982/1983

The Public Administrator is, by virtue of an Ordinance of the City and County, ex-officio the Public Guardian. These are two separate functions. As Public Administrator he handles the estates or affairs of deceased persons. As Public Guardian, he handles the conservatorships of living persons. These two functions are different in many respects and the majority of the staff are assigned to one or the other of these functions. A part of the staff can be used in both functions, which affords some flexibility. Although some of the below remarks apply equally to both functions, for the sake of clarity each function is discussed separately.

I. PUBLIC ADMINISTRATOR

One-1126 Public Administrator/Public Guardian

A. Functions:

The Public Administrator is an officer of the County Government as described in Section 24000 of the Government Code and is provided for in the Charter of the City and County of San Francisco. The purpose of the office is to provide for the protection of the property of deceased persons and for the protection of the interests of heirs and creditors in such property.

The duties of the Public Administrator as both a conservator and an administrator of the estate of deceased persons is set forth in Section 1140 of the Probate Code, as follows: "The Public Administrator of each county must take immediate charge of the property within his county of persons who have died when no executor or administrator has been appointed and in consequence thereof the property or any part thereof, is being wasted, uncared for or lost; and of all estates ordered into his hands by the Court. He shall apply for letters of administration upon estates of decedents who have no known heirs when the Superior Court of his county has jurisdiction thereof, and may apply for such letters upon any other estates upon which he is entitled to administer."

The various functions in administering decedents' estates may be broken down as follows:

Investigation: One-1131 Assistant Public Administrator
One-4230 Estate Investigator

Field and office questioning to obtain all pertinent information concerning decedent; collection and protection of assets of decedent; prelimination of sufficiency of assets to pay for funeral expenses; making funeral arrangements; search of decedent's residence; identifying heirs, if any; summary sale of depreciating property; assembling all data necessary to complete Public Administrator's Investigation Form; custodian of tangible personal property.

Accounting: One-1654 Principal Accountant (½ time)
One-1650 Accountant
One-1640 Senior Accounting Machine Operator

Collection and custody of all monies; transfer, deposit and withdrawal of funds; issuance of checks; maintenance of separate ledger for each estate; assembly and reconciliation of final accounts; review and payment of funeral claims.

Legal and tax: One-8186 Attorney for Public Administrator
Two-8178 Senior Attorney

All legal procedures; review of claims; opinions; litigation, estate, inheritance and income taxes; heirship determinations; correspondence.

Clerical and Stenographic:

One -1460 Senior Legal Stenographer
Three-1458 Legal Stenographer
One -1446 Senior Clerk Stenographer
One -1424 Clerk Typist

Dictation, typing, completion of forms; receptionist duties, coding of correspondence; maintaining indices and other records.

B. Personnel:

This office does not collect monies for the sale of any product, but depends entirely on fees for services which are allowed by the Probate Court. We are, in effect, working within the "free market" system of the private sector. Our resource is the expertise of our personnel. (See ATTACHMENT I)

Goal:

To provide probate service to residents who die intestate, have no relatives to act or function as successor administrator when directed by the Superior Court.

The probate process should proceed without undue delays, assure the reduction of assets to cash or distribute in kind and pay just debts. This function should generate discretionary fees which when awarded by the Superior Court, defray the cost of operating the program.

Comment:

The Public Administrator's office has, for the past three years, been supplied with an in-house computer and has joined with program writers in developing software for the administration of estates. The entire system, plus supplies and maintenance is cost free to the City and County in exchange for banking through one bank. Each account still receives full interest and is FDIC insured. With this system and our fine staff, we have closed:

454 Estates in FY 1981/82
591 Estates in FY 1982/83

This has produced \$341,530.00 in Court-approved revenue for FY 1982/83 which is 70% of the budget and amounts to \$26,271 for each of the 13 filled positions. This is the highest revenue-work-hour ratio in the state.

II. PUBLIC GUARDIAN

One-1126 Public Administrator/Public Guardian

A. Functions:

The office of Public Guardian was created in San Francisco County on July 1, 1960, under authority of Section 5175 of the Welfare and Institutions Code of the State of California. On July 1, 1960, the Public Administrator became ex-officio Public Guardian. The purpose of the office is to provide a public officer to serve, when needed, as guardian of the person and/or estate.

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He must file an inventory of all the estate's assets, together with an appraisal of the assets, unless the estate consists of money only, or money and other personal property of a market value of less than \$50.00. He must file periodic accounts for approval by the Court. Upon death of the ward, if no probate of the estate is necessary, the funeral and last illness expenses may be paid, and after such payment of these expenses and of the fees of the Public Guardian, a balance of cash remains in the estate, this may be delivered to the heirs at law under Section 630 of the Probate Code, or delivered to the Public Administrator for administration.

The various functions of the Public Guardian may be broken down as follows:

Investigation: One-1131 Assistant Public Guardian
Two-4230 Estate Investigator

Receives original reports or referrals of possible clients. Investigates the background of all referrals to determine if they are in need of guardianship or conservatorships. Attempts to determine if the need is for help with their financial matters, physical needs or both. Attempts to locate the client's assets, verify liabilities and locate relatives.

Accounting: One-1654 Principal Accountant (½ time)
Two-1650 Accountant
One-1640 Senior Accounting Machine Operator

Acts as an accountant for the client. Collects and deposits funds, pays bills and generally manages the estate of the clients.

Clerical: One-1458 Legal Stenographer
One-1426 Senior Clerk Typist
One-1424 Clerk Typist

Form the support for the investigative and legal staff. Handles daily mail, telephone calls, filing and other office functions.

Legal: One-8178 Senior Attorney, Civil and Criminal

Acts for the Public Guardian in all legal matters. Acts as quasi-legal counsel for all clients in protecting their funds, property and personal rights.

Social Services: Three-2910 Social Worker

Acts for the clients in personal matters. Purchases needed articles with client's funds. Arranges for medical services, inspects nursing homes, arranges commitments, transfers and selects environment best suited for clients.

B. Personnel:

In June of 1982, four positions were added to the Public Guardian staff. A social worker and an accountant were assigned to the new F.R.A.I.L. Program and one (1) investigator and one (1) social worker were assigned to the general population. This still leaves each social worker with 150 cases which is double the recommended level.

New Programs:

The Public Guardian Office has established a new program to serve the needs of people sixty years of age and over who need assistance with management of their funds.

This program, F.R.A.I.L. (Financial Resources Assisting Independent Living) is now operational and is serving the community by:

1. Collecting client's recurring checks, such as O.A.S., S.S.I., V.A., Railroad Retirement, etc.
2. Directing monthly bills for rent and utilities to this program (F.R.A.I.L.).
3. Paying these bills with client's funds.
4. Dividing balance of monthly income in equal bi-weekly checks for client's other personal needs. The client may have a maximum of eight (8) checks per month.
5. Delivering the personal needs check (P.N.C.) to the agency that made the referral and that is involved with services to the client, or delivering the checks by mail directly to the client.

6. Placing client's money in interest-bearing checking account. The interest will remain in an emergency reserve status.
7. Completing the portion of the S.S.I. Annual Eligibility Redetermination that relates to the checking account for which F.R.A.I.L. is trustee. The agency case manager or social worker must assist the client with completing the sections of the form that relate to any assets not under the F.R.A.I.L. Program control.

The Economic Opportunity Council has provided the San Francisco Public Guardian's office with five senior aids who function primarily as outreach workers. Each senior aid works twenty hours per week and has the following duties:

1. Friendly visiting to Public Guardian conservatee residing in San Francisco and close neighboring counties. (goal: three contacts per year)
2. Observing living situations of such conservatees and reporting such observations to Public Guardian social work staff. (with written notation in Public Guardian Field-Social Work Section)
3. Providing escort services to Public Guardian conservatees for medical, dental and psychiatric care as well as shopping and recreational expeditions.
4. Assisting conservatees in writing letters, contacting relatives and friends.
5. Providing general socialization for Public Guardian conservatees who are confined to their homes.

On May 28, 1982, the Public Guardian and Community Mental Health Services signed a memorandum of understanding in an attempt to bring more service to the people of San Francisco at no extra cost. This is a pilot program searching for ways to greater utilize the available services and improve communication between the two programs.

This program will be reviewed periodically and conformed to fit the needs of the community.

The following are the impressions of the CMHS social worker assigned to the Public Guardian:

1. Active Case Management: Clients under probate conservatorship and mentally disabled who are not linked with any on-going mental health services, such as OMHSS, CMHS. My function is to assess the client's mental health needs, refer to the appropriate mental health program and actively encourage a treatment relationship.
2. Monitor Cases: Clients with a mental health disability on probate conservatorship not connected with a CMHS program

but are institutionalized or stabilized within the community and do not require active case management. These cases are "open-inactive" and could at any time become active if the circumstances change.

3. Liaison Advocacy Cases: Clients on probate conservatorship linked and actively case managed by a treatment team or social worker in a mental health program. These cases are open but only require my services as a facilitator, advocate, liaison or resource co-ordinator between the Public Guardian's office and the actively involved mental health program.

III. M.B.O.

Our activities as gauged by the Mayor's Management By Objective criteria are as follows:

A. Public Administrator:

1. To close as many or more estates each year than opened:

Estates Opened	220
Estates Closed	<u>593</u>
	+373

2. To maintain general fund subsidy at no more than 30% of total program costs:

Total Expenditures	\$492,712
Revenue	<u>-348,863</u>
or 29%	\$143,849

B. Public Guardian:

1. To make contact with at least 100% of the wards who reside in San Francisco at least three times a year.

Average # of wards	
residing in San Francisco:	189
Number of Contacts:	1455
Average # of Contacts:	7.70

2. To deliver a financial statement to Superior Court for each ward on an annual basis.

Average Number of Clients:	335
Average Number of Statements:	<u>126</u>
	-209

3. To maintain a minimum of 70% of client's assets invested in high-yield insured accounts consistent with a prudent investor.

Average Balance:	\$4,996,597
Average Invested:	<u>4,251,463</u>
	\$ 745,134 (15%)
Average Invested:	85%

PUBLIC GUARDIAN COMPARISON

Fiscal Year	Expenditures	Revenue
1979/80	\$290,611	\$227,275
1980/81	279,520	183,362
1981/82	250,426	211,976
1982/83	413,977	318,573

Workload: Estates Investigated.....581
 New Estates Opened.....220
 Final Accounts Filed..... 57
 Discharges Filed -0-
 Open Estates (approximate)...1100

PUBLIC ADMINISTRATOR COMPARISON

Fiscal Year	Expenditures	Revenue
1979/80	\$346,121	\$268,103
1980/81	307,473	375,352
1981/82	418,566	430,615
1982/83	513,379	341,530

Gross Cost of Operation: \$490,656

Minus Fee's Collected: \$341,530

Net Cost to County: \$149,125

